

**UNAPPROVED MINUTES  
CITY OF MILPITAS**

Minutes:	Adjourned Regular Meeting of Milpitas City Council
Date of Meeting:	December 9, 2003
Time of Meeting:	6:30 p.m.
Place of Meeting:	City Hall Council Chambers, 455 E. Calaveras Blvd.

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**ROLL CALL** Mayor Esteves called to order the adjourned meeting of the Milpitas City Council at 6:30 p.m. Present were Mayor Esteves, Vice Mayor Dixon, and Councilmembers Gomez, Livengood, and Polanski.

**PLEDGE** Mayor Esteves led the Council and audience in the Pledge of Allegiance.

**CITIZENS FORUM** Mayor Esteves invited members of the audience to address the Council on any subject not on the agenda. There were no requests.

**AGENDA** MOTION to approve the agenda as submitted.

M/S: Dixon, Livengood. Ayes: 5

**PLANNING COMMISSION INTERVIEWS** Mayor Esteves reported the next order of business was to interview applicants for the Planning Commission but first the order of the candidates needed to be determined.

**Determine Order** City Clerk Gail Blalock drew the applicants' names to determine the interview order, resulting in the following: (1) Jacob Krommenhock, (2) Zeya Mohsin, (3) Alfred Garcia, and (4) Bob Luong.

Mayor Esteves explained that each interview would be approximately 20 minutes and each Councilmember would ask a question, beginning with Councilmember Gomez, and then rotating asking the first question with each new candidate; following the interviews, the Council would rank the candidates 1-4, with "1" being first choice, etc., and the candidate receiving the lowest score would be appointed to the full term (2006) and the candidate receiving the second lowest score would be appointed to the partial term (2005).

**Interviews** Mayor Esteves welcomed each candidate, expressed appreciation on behalf of the Council for their interest in serving on the Planning Commission, and explained the interview process the Council would use. Interviews were conducted with Jacob Krommenhock, Zeya Mohsin, Alfred Garcia, and Bob Luong.

**Appointments** Using tally sheets, each Councilmember ranked the four candidates with their first choice receiving one point, second choice two points, third choice three points, and fourth choice four points. The tally sheets were given to the City Clerk.

The City Clerk publicly read each Councilmember's ranking as follows:

Councilmember Gomez:	Krommenhock 4, Mohsin 2; Garcia 1; Luong 3
Councilmember Polanski:	Krommenhock 4; Mohsin 2; Garcia 1; Luong 3
Councilmember Livengood:	Krommenhock 3; Mohsin 2; Garcia 1; Luong 4
Vice Mayor Dixon:	Krommenhock 3, Mohsin 2; Garcia 1; Luong 4
Mayor Esteves:	Krommenhock 4; Mohsin 2; Garcia 1; Luong 3

The City Clerk announced that Mr. Garcia and Ms. Mohsin received the lowest scores.

MOTION to appoint Al Garcia to the Planning Commission with a term to expire December 2006 and to appoint Zeya Mohsin to the Planning Commission for a term to expire December 2005.

M/S: Polanski, Gomez.

Ayes: 5

Mayor Esteves congratulated Mr. Garcia and Ms. Mohsin on their appointments. The Mayor also welcomed Mr. Krommenhock and Mr. Luong to apply for other City commissions, and said he hoped to see their applications.

#### **ADJOURNMENT**

There being no further Council business, Mayor Esteves adjourned the City Council meeting at 7:23 p.m.

Gail Blalock, CMC  
City Clerk

UNAPPROVED MINUTES  
CITY OF MILPITAS

Minutes:	Regular Meeting of Milpitas City Council (Including Joint Meeting with Redevelopment Agency)
Date of Meeting:	December 16, 2003
Time of Meeting:	6:00 p.m. (Closed Session) 7:00 p.m. (Regular Session)
Place of Meeting:	City Hall Council Chambers, 455 E. Calaveras Blvd.

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**ROLL CALL**

Mayor Esteves called to order the regular meeting of the Milpitas City Council at 6:00 p.m. Present were Mayor Esteves, Vice Mayor Dixon, and Councilmembers Livengood (arrived at 602 p.m.) and Polanski. Councilmember Gomez arrived at 6:58 p.m.

**CLOSED SESSION**

Mayor Esteves publicly stated the Council would convene in Closed Session to discuss the following two items listed on the agenda:

1. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
(Pursuant to Government Code Section 54957)  
Title: City Manager
2. **CONFERENCE WITH LABOR NEGOTIATOR**  
(Pursuant to Government Code Section 54957.6)  
Unrepresented Employee: City Manager

Mayor Esteves adjourned the meeting to closed session at 6:01 p.m.

The City Council meeting reconvened at 7:00 p.m. with Mayor Esteves presiding and Vice Mayor Dixon and Councilmembers Gomez, Livengood, and Polanski present.

**CLOSED SESSION  
ANNOUNCEMENTS**

There were no closed session announcements.

**PLEDGE**

Members of Troop No. 92 led the Council and audience in the Pledge of Allegiance.

**MINUTES**

MOTION to approve the City Council minutes of December 2, 2003, including joint meeting with the Redevelopment Agency, as submitted.

M/S: Dixon, Polanski.

Ayes: 5

**SCHEDULE**

Vice Mayor Dixon reported a VTA Congestion Management meeting was scheduled on December 18.

MOTION to approve the Schedule of Meetings as amended.

M/S: Polanski, Gomez.

Ayes: 5

**PRESENTATIONS**

Mayor Esteves recognized the 26 Milpitas citizens graduating in Classes 7 and 8 of the Strategic Action for Emergencies (SAFE) Program, stating that each class has experienced more participants and graduates, and each graduate would be presented with a commendation.

Mayor Esteves read a Commendation recognizing the Milpitas Vietnamese Lions Club for sponsoring a free Thanksgiving dinner for seniors and their families and presented it to President Michael Pham. Mr. Pham thanked the Mayor, Council, and staff for the Commendation and introduced members who were present in the audience. Mayor Esteves commented that Michael Pham was also a member of the City's Economic Development Commission.

Mayor Esteves said that there was a group of students from the Vietnamese Student Association (VSA) of James Logan High School who helped during the Thanksgiving dinner; and presented a Commendation to a representative of the group. The representative, on behalf of VSA at James Logan High School, thanked Milpitas for giving the VSA the opportunity to come and serve the community.

Mayor Esteves read a proclamation recognizing Bill Dale for receiving the Santa Clara County Emergency Managers Association's "Volunteer of the Year" award. Mr. Dale wished everyone a Merry Christmas and said he was looking forward to a good 2004 with more amateur activity in the City of Milpitas.

Mayor Esteves said he had a proclamation recognizing Kevin Karp but Mr. Karp was not present.

## **CITIZENS FORUM**

Mayor Esteves invited members of the audience to address the Council on any subject not on the agenda, requesting that remarks, including any visual or technology-assisted presentations of any kind, be limited to two minutes or less, and noted that the City Clerk would be using the timer and when the red light at the podium came on, two minutes would be up.

Elizabeth Snyder, a new Milpitas resident, asked the Council to consider adopting a resolution opposing the Patriots Act, stating that she felt it compromised everyone's privacy and allowed illegal immigrants to be detained without access to a lawyer or a fair trial.

Carmen Montano announced that she had been nominated for the Martin Luther King, Jr. Community Service Award that would be presented at the Freedom Train Ride (from San Jose to San Francisco) on January 19, 2004, at 7:00 a.m.

Mr. Swanson talked about the merits of the face value system for young children.

## **ANNOUNCEMENTS**

City Manager Wilson wished everyone "Happy Holidays."

Councilmember Polanski reported the Parks, Recreation, and Cultural Resources Commission had discussed the Child Care Grant program guidelines and would be bringing recommendations to the Council in the near future; congratulated staff for the wonderful "Christmas with Santa;" reported the City Attorney Subcommittee had met and discussed the Mayor's term limit issue; and the City's 50<sup>th</sup> Anniversary calendar had been distributed to residents.

Councilmember Polanski commented that the City would be celebrating its 50<sup>th</sup> Anniversary on January 26, 2004, with a kickoff at City Hall at 7:00 p.m. and there were some residents working to put a display of memorabilia together in the City Hall lobby: Councilmember Polanski announced, on behalf of Arts Commissioner Linda Rabe, that if anyone had objects or artifacts commemorating the City's 50 years that they would be willing to loan for the display, they should contact the City Clerk's Office.

Councilmember Polanski wished everyone a very Merry Christmas and a safe and joyous New Year.

Councilmember Gomez joined Councilmember Polanski in thanking staff for the "milk and cookies" event on Saturday, December 13, 2003, commenting that he had a good time, but more importantly, his children had a good time.

Vice Mayor Dixon expressed special thanks to Ann Kelly and to Sam because they were the life of the party; every single table had its very own special Christmas decoration, and the kids had a ball. Vice Mayor Dixon presented an update on the last VTA Board Meeting and reported the Restructuring Subcommittee was recommending no changes that would require approval by the legislature.

Mayor Esteves invited Kevin Karp to the podium and read a proclamation recognizing Mr. Karp for receiving the Santa Clara County Emergency Managers Association's "Volunteer of the Year" award. Mr. Karp said it was a great honor to receive the proclamation and to work with the Milpitas Fire Department as a volunteer. Mayor Esteves recognized Mr. Karp's family in the audience and thanked them for coming.

Mayor Esteves said he had spent the last two weeks attending various holiday parties and thanked and congratulated St. Elizabeth's Church and the St. Elizabeth's Choir for a very successful concert last Saturday.

## **AGENDA**

City Manager Wilson requested item 10 (Fee Waiver) be removed from the agenda as the matter had been resolved, and said the event would go forward without needing assistance.

MOTION to approve the agenda as amended.

M/S: Gomez, Polanski.

Ayes: 5

## **CONSENT CALENDAR**

Mayor Esteves inquired if anyone wished to make any changes to the Consent Calendar.

City Manager Wilson requested that Mary Banick be included in the reappointments to the Senior Advisory Commission for Item 4, with a term to expire December 2005, that item 8 be added to the Consent Calendar, and that item 10 be removed.

MOTION to approve the Consent Calendar, items with asterisks on the agenda, as amended by the addition of Mary Banick to item 4, adding item 8, and removing item 10, in accordance with the staff recommendations.

M/S: Dixon, Polanski

Ayes: 5

### **\*4. Appointment/Reappointments**

Approved the Mayor's appointment of Amanda Santos to a regular member position, from Alternate No. 1, to fill the vacancy created by Frances Woodworth with a term expiring December 2004, and re-appointments of Denny Weisgerber, Joanne Wood, Albert Wang, and Mary Banick to the Senior Advisory Commission all terms expiring December 2005. In addition, approved the Mayor's recommendation of moving Joyce Dovlet from Alternate No. 2 to Alternate No. 1, with a term expiring December 2004.

### **\*5. CAC Removal**

Approved the removal of Charles King from the Alternate No. 1 position on the Community Advisory Commission.

### **\*6. CAC 2004 Work Plan**

Approved the Community Advisory Commission's proposed 2004 work plan.

### **\*8. Surplus Apparatus Sale**

Authorized the sale of surplus apparatus to Spring Valley Volunteer Fire Department for \$1.00.

### **\*10. Fee Waiver (K/C)**

Item was removed from the agenda (the matter had been resolved).

### **\*11. Public Safety Grant**

Authorized Fire Department acceptance of the Wal-Mart "Safe Neighborhood Heroes" Grant, in the amount of \$1,500, to be utilized for Public Fire and Disaster Preparedness Education instructional materials, and appropriate \$1,500 to Fire Department Operating Budget.

### **\*13. Emergency Water Supply<sup>7</sup>**

Adopted Resolution No. 7370 extending and approving emergency water supply for Spring Valley Heights subdivision.

### **\*14. Public Hearing/Weed Abatement**

Adopted Resolution No. 7371 declaring weeds on specific properties to be a public nuisance and scheduling a public hearing for January 20, 2004.

- \*15.  
California Circle Channel  
(Project Nos. 4170 and 4047)** Adopted Resolution No. 7372 granting final acceptance and release of the bond for California Circle Channel Lining east side of I-880, south of Dixon Landing Road (Project Nos. 4170 and 4047)
- \*16.  
Dixon/I-880 Interchange  
Storm Drainage Easement  
(Project No. 4047)** Adopted Resolution No. 7373 summarily vacating a portion of unnecessary storm drainage easement along I-880, south of Dixon Landing Lagoon (Project No. 4047).
- \*17.  
Hardware, Software License,  
And Implementation Services  
(Project No. 8109)** Authorized the City Manager to approve the purchase of hardware, software license agreement, and implementation services between Buildfolio, Inc. and the City of Milpitas, subject to approval as to form by the City Attorney.
- \*18.  
Employee Assistance Program** Authorized staff to enter into a contract for an employee assistance program with Managed Health Network (MHN) for the period January 1 through December 31, 2004, in an amount not-to-exceed \$32,255.28.
- \*19.  
Manor Pump Station  
(Project Nos. 3385 and 3396)** Authorized the City Engineer to execute a change order in the amount of \$8,591.68 to D. W. Nicholson, and a purchase order in the amount of \$7,500 to A-1 Fencing.
- \*20.  
Library Consultation  
(Project No. 3394)** Authorized the City Manager to execute Amendment No. 9, with a not-to-exceed amount of \$15,000, to the agreement for environmental studies services with Robert Bein, William Frost & Associates, subject to approval as to form by the City Attorney.
- \*21.  
Berryessa Creek Trail, Reach 3  
(Project No. 5074)**
  1. Approved plans and specifications for Berryessa Creek Trail, Reach 3 (Project No. 5074) and authorized advertising for construction bid proposals.
  2. Authorized the City Manager to execute an agreement amendment with Winzler and Kelly in an amount not-to-exceed \$39,000, subject to approval as to form by the City Attorney.
  3. Authorized the City Manager to execute an agreement with 4 Leaf, Inc. in an amount not-to-exceed \$29,900, subject to approval as to form by the City Attorney.
- \*22.  
Dixon/I-880 Interchange  
(Project No. 4047)** Authorized the City Manager to enter into the agreement to purchase certain real property from Joseph A. McCarthy and Muriel M. Harris (Seller) in an amount of \$2,001,050, at no further cost to the City, subject to approval as to form by the City Attorney.
- \*23.  
Selwyn Park  
(Project No. 5078)**
  1. Awarded the construction contract for Selwyn Park Improvements, Project No. 5078 to ESR Construction in the amount of \$173,111.
  2. Increased the project budget and approve a budget appropriation of \$53,000, with \$43,000 from the Park Fund and a transfer of \$10,000 from Project 7086, Water System Air Relief Valve Modifications.
- \*24.  
Storm Water Pump Station  
(Project No. 8140)** Authorized the City Manager to enter into the agreement with Olivia Chen Consultants, in the amount of \$90,132 for storm water pump station improvements (Project No. 8140), subject to approval as to form by the City Attorney.
- \*25.  
Miscellaneous Vendors** Approved the following purchase requests:
  1. \$6,500.00 to Shield's Consulting Group, Inc. for state mandated claims processing services for the Finance Department. Shield's Consulting Group submitted the lowest bid for these services. (Funds are available from the Finance Department operating budget for this service.)
  2. \$11,257.89 to San Diego Police Equipment for the annual purchase of practice and service ammunition manufactured by Federal Cartridge Co. through a State of California contract for the Police Department. (Funds are available from the Police Department operating budget for this purchase.)

3. \$6,190.09 to Adamson Industries for the annual purchase of practice and service ammunition manufactured by Winchester Ammunition for the Police Department. (Funds are available from the Police Department operating budget for this purchase.)

## **PUBLIC HEARINGS**

### **1. Flag Ceremony Request**

City Manager Thomas Wilson presented the request of Boy Scout Troop No. 101 for permission to hold a flag raising at the Higuera Adobe on January 10, 2004, from 10:15 a.m. to 12:00 p.m. ceremony in recognition of the Vietnamese New Year. Mr. Wilson said the Boy Scouts have done this in the past, and staff recommended approval of the request.

Mayor Esteves opened the public hearing and invited comments. There were none.

MOTION to close the public hearing.

M/S: Dixon, Livengood.

Ayes: 5

MOTION to approve the request of Boy Scout Troop No. 101 for a flag-raising ceremony at the Higuera Adobe on January 10, 2004.

M/S: Dixon, Polanski.

Ayes: 5

### **2. Certificate of Compliance 1139 Edsel Drive**

Acting Planning Director Tambri Heyden reviewed the request for a Certificate of Compliance for a vacant parcel at 1139 Edsel Drive within a Planned Unit Development. Ms. Heyden reported that the Council approved this PUD in December 2002; as part of the staff review, it was determined that the parcel was not a legal lot of record; a condition of approval of the PUD required either a parcel map or a Certificate of Compliance be obtained and recorded with the County; and the applicant decided to pursue the Certificate of Compliance.

Mayor Esteves opened the public hearing and invited comments. There were none.

MOTION to close the public hearing.

M/S: Dixon, Livengood.

Ayes: 5

MOTION to approve the Certificate of Compliance (P-CC2003-8) for APN parcels 088-03-058 and 088-03-065, to make it a legal lot of record, based on the findings and special conditions contained in the Council's agenda packet, dated December 16, 2003.

M/S: Dixon, Polanski.

Ayes: 5

### **3. Time Extension Edsel/Shirley Drive**

Acting Planning Director Heyden reviewed the request for a one-time 18-month time extension for the Planned Unit Development located at 1129 and 1143 Edsel Drive and 1116 and 1124 Shirley Drive. Ms. Heyden reported the applicant was requesting additional time to complete some remaining items, and staff recommended approval.

Mayor Esteves opened the public hearing and invited comments. There were none.

MOTION to close the public hearing.

M/S: Dixon, Gomez.

Ayes: 5

MOTION to approve the request for an 18-month time extension (P-TE2003-7), to expire on June 17, 2005, for Planned Unit Development No. P-PD2002-1 ("Edsel Court") based on the findings and special conditions included in the Council's agenda packet.

MS: Dixon, Gomez.

Ayes: 5

## JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

- RA1.  
CALL TO ORDER** Mayor Esteves called to order the regular meeting of the Milpitas Redevelopment Agency, meeting jointly with the City Council, at 7:35 p.m.
- RA2.  
ROLL CALL** Present were Mayor Esteves, Vice Mayor Dixon, and Agency/Councilmembers Gomez, Livengood, and Polanski.
- RA3.  
MINUTES** MOTION to approve the Redevelopment Agency minutes of December 2, 2003, including joint meeting with the City Council, as submitted.
- M/S: Gomez, Polanski. Ayes: 5
- RA4.  
AGENDA** City Manager Thomas Wilson asked that item RA7 (Purchase/Resale of Affordable Housing Unit) be removed from the agenda as the property had been secured by a buyer and it was no longer necessary to be repurchased by the Agency.
- MOTION to approve the Agenda and Consent Calendar as amended by the removal of item RA7.
- M/S: Gomez, Livengood. Ayes: 5
- RA5.  
PRESENTATION  
2003 TAX ALLOCATION  
BOND SERIES** City Manager Wilson introduced Tom Dunphy, Lead Financial Advisor with Lamont Financial and Eileen Gallagher, Vice President, Stone & Youngberg, who were members of the 2003 Tax Allocation Bond Team and assisted in the very successful bond sale.
- Tom Dunphy commented that the true heroes of the successful bond sale were the Council and without their leadership and guidance, this would not have been done. Mr. Dunphy noted this was the largest Redevelopment Agency issue in 2003, and the "double A" (AA) rating put the Milpitas Redevelopment Agency in the top 5 percent in the State. Mr. Dunphy complimented City staff for their work, especially the City Manager who gave direction, the Assistant City Manager who was involved in the day-to-day activities, and the Finance Director. Mr. Dunphy, assisted by Eileen Gallagher, presented the Mayor and each Councilmember with a plaque representative of the cover of the Official Statement used to market the bonds. Ms. Gallagher added that the City was very well represented by Vice Mayor Dixon and staff, they all did very well, and everyone should be proud. Mr. Dunphy and Ms. Gallagher also presented the Mayor and Councilmembers with a paperweight.
- Vice Mayor Dixon extended her personal appreciation and that of the citizens of Milpitas to Mr. Dunphy and Ms. Gallagher for everything they did to help make this successful.
- Assistant City Manager Blair King commented on the very tight schedule developed last August and the fact that it was completed only one week off.
- Mayor Esteves commented that this accomplishment would be a benefit to the City of Milpitas for years to come because of the projects that will be funded.
- RA6.  
LIBRARY PROJECT  
BUDGET APPROPRIATION  
UTILITY UNDERGROUNDING** Acting Assistant City Engineer Greg Armendariz reviewed the request for funding for the design and construction for the undergrounding of utilities (PG&E, SBC, and Comcast) for the new Library on North Main Street. Mr. Armendariz reported Underground Utility District No. 5, which was approved by the Council on November 18, 2003, would benefit the Library Project and conformed with the MidTown Plan. Mr. Armendariz proceeded to review the cost breakdown.
- Agency/Councilmember Livengood called attention to the reference to the Senior Center on the second page of the staff report and inquired how that related to the project. Mr. Armendariz responded it was an error and this related only to the library.



Vice Mayor Dixon requested that the Council as a whole be provided with updates on the Library Project no less than once a month, similar to what was done with the Civic Center Project.

MOTION to approve a budget appropriation of \$1,500,000 from the 2003 RDA Bond Proceeds to Milpitas Library Mapping, Survey, and Off-Site Utility Improvements (Project No. 8153).

M/S: Dixon, Polanski.

Ayes: 5

**RA7.**

Removed from the agenda.

**\*RA8.  
LOBBYING SERVICES  
AGREEMENT**

Authorized the Executive Director to enter into an agreement for Lobbying Services with Emanuels Jones & Associates in an amount not to exceed \$2,500 per month for 12 months.

**\*RA9.  
ANNUAL AGENCY  
REPORT**

Noted receipt and filed the Milpitas Redevelopment Agency's Fiscal Year 2002-2003 Annual Report.

**RA10.  
ADJOURNMENT**

There being no further Agency business, Mayor Esteves adjourned the Redevelopment Agency meeting at 7:50 p.m.

The City Council meeting continued.

## **REPORTS OF OFFICERS & BOARDS**

**7.  
County Library  
Ballot Measure**

Principal Analyst Cindy Maxwell introduced Melinda Cervantes, who would be giving a brief overview regarding the County Library District Ballot Measure. Ms. Maxwell noted that staff was recommending approval of the resolution included in the Council's agenda packets endorsing the Library Ballot Measure.

Melinda Cervantes explained what the ballot measure meant to the County Library system, commenting that it would continue the same level of service that had been provided since 1994 when the voters supported Measure A, the current parcel tax, which would expire in July 2005. Ms. Cervantes said the new measure would provide a slight increase and approximately 21 percent of the Library District's annual funding comes from the parcel tax. Ms. Cervantes further stated that she hoped the Council would join in this effort to make sure the Measure is successful.

Councilmember Livengood inquired about the amount of the increase. Ms. Cervantes responded it was \$8.34, an increase from \$33.66 to \$42.00 for a term of seven years, and it would be a flat rate with no escalator. Councilmember Livengood further inquired how it would impact non-residential properties. Ms. Cervantes responded it was based on a formula and the increased amount for non-residential properties was comparable to the amount for residential properties.

Councilmember Polanski asked Ms. Cervantes to comment on the impact on the Milpitas Library if this does not pass, since it was just an extension of the current tax. Ms. Cervantes responded she did not have the hard numbers but essentially 21 percent of Milpitas operations was equivalent to 13 employees, 21 percent of operating hours could be affected, there would be a reduction in new books and materials, fewer copies of materials, longer waits, and fewer programs. Ms. Cervantes added that the Measure required a two-thirds vote to pass and would provide an additional \$1.4 million. Councilmember Polanski said she was in support of the resolution and the extension for the value the library gives to the citizens of Milpitas but noted it would be a tough sell in 2004.

Ms. Maxwell pointed out that Marilyn Hay, the Chair of the Library Advisory Commission and also the Milpitas representative on the Campaign for Measure B, was present in the audience.

Vice Mayor Dixon noted that School Board Member Carmen Montano, who was also present in the audience, was also part of the Library Commission. Vice Mayor Dixon said she couldn't stress enough that this was going to be a hard sell, the Friends of the Milpitas Library and the Library Advisory Commission were talking to people in the community every weekend, these were uncertain times in the State of California, and if this measure doesn't pass by two-thirds in March, they will have to wait an entire year before going to the voters again. Vice Mayor Dixon further stated it takes money to run the campaign, asked Marilyn Hay to come forward to accept her personal check for \$100, and asked that her colleagues also contribute, at least the \$42 limit, making checks out to "Make Our Library Strong".

Mayor Esteves said he had already contributed \$250 during the kick-off and would be helping more in this campaign. The Mayor emphasized that this Measure would just restore the current hours, services, and books and the financial impact was minimal, only an \$8 per year increase, but without it the impact was tremendous. Mayor Esteves encouraged and called upon all residents to look at this Measure very carefully.

MOTION to adopt Resolution No. 7369 endorsing the Library Ballot Measure for the March 2, 2004, election.

M/S: Dixon, Polanski.

Mayor Esteves called on all residents and community leaders to help.

VOTE ON MOTION:

Ayes: 5

## **NEW BUSINESS**

### **9. Light Rail Station Design Concepts**

Acting Planning Director Heyden introduced Gail Collins from the VTA, who would be presenting the proposed design concepts for the I-880/Milpitas Light Rail Station. Ms. Heyden reported that the Arts Commission reviewed the design concepts on November 24, 2003, and recommended approval of these two designs subject to two modifications.

Gail Collins reported the concepts were originally presented to the Council in 2001 as part of the CODE (Community Oriented Design Enhancements) program and due to previous commitments of the artist, they were not followed through on at that time. Ms. Collins further reported that Seattle artist, Ellen Sollod, was proposing two very unique art projects for the I-880 Milpitas station which, in the artist's words "draw upon the station's location as a crossroads to progress"; the first one was called "Cabinet of Invention and Obsolescence" based on 17<sup>th</sup> Century cabinets of wonders that were prevalent in Europe and was a sculpture that utilizes the sun to illuminate objects inside a stack of bronze boxes; the second piece, called "Camera Obscura", had a long history in astronomy and art and was an interactive art piece that allows the user to utilize the natural and prolific sunlight to observe the surroundings in an inverted and somewhat blurred manner. Ms. Collins said the art pieces would be located at the I-880/Milpitas LRT station. Ms. Collins further stated these were two very unique projects, and there was a lot of interest in them.

Councilmember Polanski commented that they were quite interesting and unique, she didn't think they would have been her choice but were very intriguing, and she trusted the recommendations of the City's Arts Commission.

Councilmember Livengood commented that he found both these pieces fascinating, they were not the most pleasing to the eye, but what he liked was that they invoked interaction and that was why he supported them. Councilmember Livengood said he would be supporting the recommendation because it would do just what was wanted - to give people something to do

while they are waiting for the train and set this station apart from the others along the line. Councilmember Livengood expressed appreciation to the staff and the Arts Commission for their work.

Mayor Esteves said he really liked the scientific application and inquired about the comments by the Arts Commission regarding safety concerns associated with a rotating metal object design. Ms. Heyden responded that the recommendation made by the Arts Commission addressed a potential safety issue with the Camera Obscura. Ms. Collins said any kind of safety issue was of great concern to the VTA, too, and their operations staff would make sure there were no problems. Ms. Collins emphasized that they cannot present any safety concerns and must be easy to maintain.

MOTION to approve the proposed VTA CODE design concepts for the I-880/Milpitas LRT station, subject to the modifications recommended by the Milpitas Arts Commission.

M/S: Livengood, Dixon.

Ayes: 5

## **ORDINANCES**

### **12. Ord. No. 22.3 Disaster Council (Introduce)**

Battalion Chief Americo Silvi reviewed the proposed amendments updating the City's Disaster Corp Council to add CitizensCorps responsibilities as recommended by the Department of Homeland Security. Chief Silvi reviewed the history of the City's Disaster Council and that of the CitizensCorps, established by President Bush to capture the spirit of service that emerged following September 11, 2001, and encompassing volunteerism. Chief Silvi explained the CitizensCorps responsibilities and membership and reported the proposed revisions were consistent with SEMS, the Department of Homeland Security recommended responsibilities and membership, were similar to ordinances in other Santa Clara County cities, and would help in securing future Federal grant funding for local volunteer programs.

Councilmember Livengood said he had no problem with the proposed changes as long as it was clear that the lines of authority remained the same. Councilmember Livengood further stated he was a strong believer in bringing the community together and using community resources, this was a very important step forward and kind of built on a number of things already being done, and he appreciated the efforts in bringing this forward.

Mayor Esteves asked if there was a fiscal impact. Chief Silvi responded the only fiscal impact was positive since this was laying the foundation for grant funding. Mayor Esteves further inquired if some plan for a goal had been established. Chief Silvi responded there was a goal was for SAFE teams based on the size of our community and staff; additionally, staff was looking at consolidating volunteer efforts; and also this was trying to be proactive in anticipation of the Federal Government requiring more unification of volunteer services on the local level.

Vice Mayor Dixon commented that this was quite astounding and she wanted the Council to be aware, as the liaison to the Citizens Emergency Preparedness Advisory Commission, this group of committed dedicated citizens, with the help of Battalion Chief Silvi, the Fire Chief, and George Washburn, was very proactive. Vice Mayor Dixon said the way the SAFE program has taken off was quite remarkable for the limited amount of staff and the hours put into it; she thought we are on the right road and it was just a matter of pooling all that talent and resources.

Battalion Chief Silvi read the title of Ordinance No. 22.3 amending Chapter 1, Title V of the Milpitas Municipal Code updating the City's Disaster Corp Council and adding CitizenCorps duties.

MOTION to waive the reading beyond the title.

M/S: Livengood, Gomez.

Ayes: 5

MOTION to introduce Ordinance No. 22.3.

M/S: Livengood, Gomez.

Ayes: 5

#### **ADJOURNMENT**

There being no further Council business, Mayor Esteves adjourned the City Council meeting at 8:35 p.m.

Gail Blalock, CMC  
City Clerk